

VETERINARY PRACTICE ACT

58-28-1. Short title.

This chapter is known as the "Veterinary Practice Act."

58-28-2. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Abandonment" means to forsake entirely or refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.
- (2) "Administer" means:
 - (a) the direct application by a person of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or
 - (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.
- (3) "Board" means the Veterinary Board established in Section 58-28-3.
- (4) "Practice of veterinary medicine, surgery, and dentistry" means to:
 - (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;
 - (b) administer or prescribe any drug, medicine, treatment, method, or practice, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;
 - (c) represent by verbal or written claim, sign, word, title, letterhead, card, or in any other manner that one is a licensed veterinarian, or one qualified to practice veterinary medicine, surgery, or dentistry, or hold oneself out as able to practice veterinary medicine, surgery, or dentistry;
 - (d) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or
 - (e) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such person is qualified to practice veterinary medicine, surgery, or dentistry.
- (5) "Unlawful conduct" as defined in Section 58-1-501 includes:
 - (a) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;
 - (b) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin; and
 - (c) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test.
- (6) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
 - (a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;
 - (b) soliciting patronage by directly or indirectly employing solicitors;
 - (c) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
 - (d) rendering professional service in association with a person who is not licensed and does not hold a temporary permit;
 - (e) sharing fees with any person, except a licensed veterinarian, for services actually performed;
 - (f) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;
 - (g) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
 - (h) willful failure to report any dangerous, infectious, or contagious disease, as required by law;
 - (i) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law; or
 - (j) violating the Utah Controlled Substances Act.

58-28-3. Veterinary Board created -- Duties.

- (1) There is created a Veterinary Board consisting of four veterinarians who have practiced in the state for not less than five years and one member of the general public.
- (2) The board shall be appointed and serve in accordance with the provisions of Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

58-28-4. License qualifications.

Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:

- (1) be of good moral character as it relates to the functions and duties of a licensed veterinarian;

- (2) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;
- (3) graduate from a veterinary college approved by the board;
- (4)
 - (a) have practiced under the supervision of a veterinarian licensed to practice in this state for a period of at least six months;
 - (b) have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection (a);
 - (c) have practiced as a licensed veterinarian outside Utah for a period of at least six months; or
 - (d) have practiced as a veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions for a period of at least six months; and
- (5) pay a fee to the Department of Commerce determined by it pursuant to Section 63-38-3.2 for the examination, for an initial license, and for a renewal license.

58-28-5. License -- Display -- Revocation for nondisplay or nonrenewal.

A licensed veterinarian shall display his license in a conspicuous place in his principal place of business. The division may revoke any license which is not displayed in accordance with this section.

58-28-6. Temporary permit -- License reciprocity.

- (1) The division may issue a temporary permit to practice veterinary medicine, surgery, and dentistry to any person not qualified for licensure under Subsection (4) who meets all requirements of Section 58-28-4 with the exception of Subsections 58-28-4 (2) and (4), except that the temporary permit shall by its terms expire at the date examination results are available for the examination next following the date of the issuance of the temporary permit.
- (2) The temporary permit shall:
 - (a) permit the holder to practice under the supervision of a veterinarian licensed to practice in this state; and
 - (b) expire one year from the date of issuance.
- (3) The division may extend the expiration date of the temporary permit until the following examination date if:
 - (a) the applicant shows to the board good cause for failing to take or pass the examination; and
 - (b) the majority of the board members recommend the extension.
- (4) Upon the recommendation of the board, the division may issue a license without examination to a person who:
 - (a) has been licensed or registered to practice veterinary medicine, surgery, and dentistry in any state, district, or territory of the United States or in any foreign country, whose educational, examination, and experience

requirements are or were at the time the license was issued equal to those of this state;

- (b) has engaged in the practice of veterinary medicine, dentistry, and surgery while licensed by another jurisdiction for at least two years;
- (c) obtained the license in another jurisdiction after passing an examination component acceptable to the division and the board;
- (d) produces satisfactory evidence of having practiced veterinary medicine competently and in accordance with the standards and ethics of the profession while practicing in another jurisdiction; and
- (e) produces satisfactory evidence of identity and good moral character as it relates to the applicant's functions and practice as a licensed veterinarian.

58-28-6.5. Term of license -- Expiration -- Renewal.

- (1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-28-7.5. Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

58-28-8. Exemptions from chapter.

In addition to the exemptions from licensure in Section 58-1-307 this chapter does not apply to:

- (1) any person who practices veterinary medicine, surgery, or dentistry upon any animal owned by him, and the employee of that person when the practice is upon an animal owned by his employer, and incidental to his employment, except that this exemption does not apply to any person, or his employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter;
- (2) any person who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of his academic training and under the supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;
- (3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under his supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;
- (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry,

- and related poultry disease control activity;
- (5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to, and a necessary part of, that research;
- (6) veterinarians licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;
- (7) registered pharmacists of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at his regular place of business;
- (8) except as otherwise provided in Subsection 58-28-2(6)(d), any person in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;
- (9) any person rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;
- (10) any person performing or teaching nonsurgical bovine artificial insemination;
- (11) any person affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah; and
- (12)
 - (a) upon written referral by a licensed veterinarian, the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has completed an animal chiropractic course approved by the American Veterinary Chiropractic Association or the division;
 - (b) upon written referral by a licensed veterinarian, the practice of animal physical therapy by a physical therapist licensed under Chapter 24a, Physical Therapist Practice Act, who has completed at least 100 hours of animal physical therapy training, including quadruped anatomy and hands-on training, approved by the division; and
 - (c) the practice of animal massage therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act, who has completed at least 60 hours of animal massage therapy training, including quadruped anatomy and hands-on training, approved by the division.

58-28-9. Animal abandonment.

- (1) Any animal which suffers abandonment for a period of ten days may be sold or placed in the custody of the

nearest humane society or county dog pound if the animal is not picked up within seven days after mailing a notification, by certified mail, to the last known address of the person placing the animal in the veterinarian's custody. If no humane society or dog pound is located in the county, the animal may be disposed of in a humane manner.

- (2) A veterinarian who complies with this section is relieved from liability for the disposal or sale of abandoned animals.

58-28-10. Violation of chapter -- Misdemeanor.

Any person who violates this chapter is guilty of a class A misdemeanor.